

RHODE ISLAND PUBLIC TRANSIT AUTHORITY

BOARD OF DIRECTORS

MINUTES OF Monday, November 15, 2010 MEETING

Board Members Present: John Rupp, Chair; Thomas Deller; Edward Field; Jerome Williams; Stephen Durkee; Michael Lewis; William Kennedy; and Rochelle Lee.

Also Present: Alfred Moscola, General Manager; Richard Licht (Outside Counsel); Andrew Prescott (Labor Counsel); Henry Kinch; Maureen Neira; Mark Therrien; Ellen Mandly and other members of RIPTA's staff and members of the public whose names are on the sign-in sheet.

Agenda Item 1: Vote on September 27, 2010 and October 18, 2010 Meeting Minutes

Mr. Rupp called the meeting to order at 1:40 and asked if the Board members had an opportunity to review the minutes of the meetings held September 27, 2010 and October 18, 2010. The members indicated that they had and Mr. Williams made a motion to approve both sets of minutes as presented. Mr. Kennedy seconded the motion and the minutes of the meetings were unanimously approved.

Agenda Item 2: General Manager's Report

Before the General Manager began his monthly report, Mr. Williams asked a follow-up question from the last meeting regarding the gas tax subsidy letter to Rosemary Gallogly, which Mr. Moscola answered. Mr. Williams then suggested that Mr. Moscola meet with Ms. Gallogly to ask her for more frequent gas tax subsidy information.

Mr. Rupp then asked Mr. Scott a follow-up question regarding the ATMS contract. Mr. Scott responded by disseminating an ATMS project update sheet and he and Paul LaFlamme answered questions on same. Mr. Rupp was particularly interested in the consultant fee figure of \$40,000 and wondered what additional costs would be incurred on consulting fees going forward. After questioning staff Mr. Rupp determined that the \$40,000 dollar figure given this summer was now at \$105,000.

Mr. LaFlamme then gave the ATMS report and said the contract with ACS had been rewritten and was being finalized and would be ready for signature this week. Mr. Field said the Board approved a figure of just over \$10 million when they voted for approval of the ATMS project and he asked if we were getting everything we required and approved with the contract revised contract. Mr. LaFlamme assured him that nothing has been deleted from the contract.

Mr. LaFlamme said ACS and Motorola have been working to resolve any radio integration issues and staff is waiting for Motorola to generate the statement of work which they hope to move forward over the next couple of months.

Mr. Field reported receiving a call from David Smith the Director of Emergency Management Agency who said he was pleased with the cooperation he received from RIPTA staff.

Mr. Laflamme answered other questions regarding consultants and training and then completed his report. Mr. Williams asked that staff present a revised ATMS implementation timeline at the next meeting.

Mr. Rupp then went off the agenda to say he was circulating a thank you card from former General Manager Beverly Scott in response to the Board's condolences on the recent passing of her husband. Mr. Rupp also announced the RIPTA's outside counsel Richard Licht had been chosen by Governor Elect Lincoln Chafee as his Director of Administration. On behalf of all present Mr. Rupp congratulated Mr. Licht who received an enthusiastic round of applause. Mr. Licht spoke briefly and said the Governor Elect wants to reach across all lines and he hopes his experience will be a helpful contribution.

Alfred Moscola began his report by saying the maintenance and stock room departments had moved into the new paratransit building as well as fueling operations. He discussed some of the statistics

related to fueling our vehicles.

Mr. Moscola said three trolleys have been delivered and he hopes to have the remainder of the order by Christmas and that from now on 2 – 3 new buses should be arriving per week and all vehicles should arrive by March. He said one bus rapid transit (BRT) vehicle was put into service on the # 14 route for testing. He then discussed some of the buses he would retire and the process for preparing the new buses to enter the fleet. Finally he said all CNG vehicles would be phased out in the New Year.

He said that as of last Friday the cost of diesel fuel was over budget at \$2.82 a gallon against a budgeted price of \$2.60. The lowest fuel lock in price quote this year was \$2.68 and the current lock in price is \$3.01, both above budget. The year to date average price for fuel is \$2.53, below budget thanks to low prices in July, August and September.

Mr. Williams noted that fuel costs were over budget in the GM report by \$75,000 and Mr. Moscola explained that this could be related to the frequency of fuel deliveries as he tops off the tanks when fuel prices are low. Ms. Neira added that the price of CNG and unleaded fuel also are factors. Mr. Rupp noted that rising fuel prices are of great concern and Mr. Moscola said he hopes the addition of hybrids to the fleet will help keep fuel costs down.

A brief discussion ensued regarding the effect of rising fuel prices on ridership and on RIPTA's dependency on the gas tax. Following this discussion Ms. Lee asked staff to prepare a matrix that includes the data on ridership, gas yield, and gas prices. Mr. Moscola discussed the rise in fuel prices a few years ago and the impact this had on ridership such as overcrowding on certain routes. He said he would work with planning and finance staff to compile the data Ms. Lee requested and to research the relationship between ridership and fuel prices.

Mr. Field noted that we are down \$1 million in federal revenue and asked if this was a timing issue or a trend. Ms. Neira answered both, explaining that she can't bill for grants until they are received and that in some cases federal revenue is based on reimbursement meaning she can't put in for reimbursement until she incurs the expense therefore her expenditures are down. Simply put, she is not spending because she has not incurred the cost yet, so she is not receiving.

Next Mr. Field asked about the decline in monthly pass revenues and Ms. Neira said that in September the monthly pass fare increased from \$55 to \$62. A year ago the DOT Keep Eddy Moving program was in effect and passes were subsidized and cost \$27.50. That program went away and riders had to pay \$55 which has now gone up to \$62 and although riders knew this was coming it still had an effect on sales of passes. Ms. Neira also thinks that organizations

implementing the Eco Passes, which is similar to the UPass had some effect. The overall impact on ridership for the first quarter was an increase of .48%.

Finally Mr. Moscola reported that there were no significant changes related to ARRA. He said the work on the asphalt repaving, fencing and lighting for the Ride lot on Longfellow Street is about 85% complete and going well.

Steve Durkee asked staff to explain the Eco Pass and Mr. Therrien explained the pass and said it is a relatively new fare product and sales are up tremendously.

Agenda Item 3: Kennedy Plaza Asphalt Issues

Henry Kinch addressed the Board to discuss the Kennedy Plaza Asphalt issue and he reminded them that in September 2009 they approved an award of a contract to J.H. Lynch Company to repave Kennedy Plaza. The work was completed by the end of November 2009 and sometime during the second week in July 2010 ruts in the bus lanes began to appear. Mr. Kinch then invited Jim Caroselli and Patricia Downey from J.H. Lynch to present.

Mr. Caroselli brought asphalt samples to illustrate the makeup of the material in Kennedy Plaza and said that they believe some of the factors contributing to the rutting in the asphalt were heavy traffic

and weight of the buses, the force of inertia caused by breaking defined wheel paths and high temperatures caused by the sun and buses. Mr. Caroselli then discussed the pavement formula and engineering due diligence they performed which was set forth in great detail in the Board package handout. He said they were aware that the pavement formula might not be a cure all.

Mr. Caroselli answered questions from the Board regarding the makeup and subsequent breakdown of the asphalt and then he recommended removing the existing asphalt from the concrete base, repairing any deficiencies in the base and replacing it with concrete slabs. The approximate cost of this solution is \$150,000 and the project will be done two bus berths at a time over two to four days.

The Board members questions Mr. Caroselli and staff at length regarding the breakdown of the asphalt, the concrete slab solution and the time, cost and life expectancy of the concrete slabs. Mr. Lewis said RIDOT would be happy to provide technical assistance to RIPTA.

Agenda Item 4: Suggestions Regarding Customer Service

Ed Scott addressed the Board to discuss suggestions regarding customer service which arose in connection with a complaint made via email to the Board members by Mr. Pat McCaffrey. Mr. McCaffrey raised some interesting points which Mr. Scott was asked to

consider. Mr. Scott responded to the Board with a handout discussing Mr. McCaffrey's complaint and suggestions vis a vis the current protocols in place in for RIPTA customer service. He also described in detail his investigation of the complaint.

Mr. Moscola discussed Mr. McCaffrey's complaint in detail saying Mr. McCaffrey was 100% correct in complaining about the situation, but unfortunately it could not be helped because on the day in question a bus was missing from service and we did not have a spare bus and operator, which is standard practice

Following Mr. Scott and Mr. Moscola's remarks Mr. Field instructed Mr. Moscola to contact Mr. McCaffrey immediately to apologize and explain. Mr. Moscola said he had sent Mr. McCaffrey an email that morning but would follow up with a call.

Mr. Williams asked staff to explain the difference between the customer service and customer information departments. Mr. Scott said the customer information department mainly provides information and assistance with schedules while customer service receives and handles complaints and compliments.

A discussion of the hours of operation of both departments ensued and staff answered questions from the Board. Following this discussion Mr. Moscola said he would do further review of the hours of operation for both departments and consult with the union on

possible changes. Stephen Farrell, President of the Amalgamated Transit Union interjected from the audience and offered his assistance.

Agenda Item 5: RFP 11-08 Design and Development of Rapid Bus Wash Signal Priority and Corridor Improvements

Roger Mencarini addressed the Board to recommend approval of the award of a contract to Vanasse Hangen Brustlin, Inc. of Providence to provide design and implementation services for the proposed rapid bus corridor. The cost of this contract is \$275,167.

Mr. Deller moved for approval of this procurement as recommended by staff. Mr. Williams seconded the motion and it passed unanimously.

Agenda Item 6: IFB 11-12 Detroit Diesel and Allison Transmission Parts

Next Mr. Mencarini addressed the Board to discuss the details of the staff summary and recommend the award of a contract to New England Detroit Diesel-Allison Inc. to supply and deliver Detroit Diesel and Allison Transmission parts. This is a one-year contract with up to four annual renewal options to be exercised at the sole discretion of the Authority.

Mr. Williams moved for approval of this procurement as recommended by staff. Mr. Deller seconded the motion and it passed unanimously.

Agenda Item 11: Executive Session Pursuant to RIGL 42-46-5(a)(2) to Discuss Collective Bargaining and Potential Litigation Matters and RIGL 42-46-5(a)(1) for Discussions and/or Action Relating to the Job Performance, Character or Physical or Mental Health of a Person

Mr. Deller made a motion to convene an executive session as noticed on the agenda under RIGL 42-46-5(a)(2) to discuss collective bargaining and potential litigation matters and RIGL 42-46-5(a)(1) for discussions relating to the job performance, character or physical or mental health of a person. Mr. Williams seconded the motion to convene an executive session and a roll call vote was taken. The motion to convene to executive session under RIGL 42-46-5(a)(1) and RIGL 42-46-5(a)(2) passed unanimously.

Following the Board's return to open session Mr. Deller made a motion to seal the minutes of the executive session. Mr. Lewis seconded the motion, and it passed unanimously.

Agenda Item 12: Report of Board Action Taken in Executive Session, if any

Upon returning to open session, Chairman Rupp announced that the Board had approved the appointment of Mr. Charles Odingbe to the newly created position of Chief Executive Officer. Mr. Rupp said this appointment was the beginning of an exciting new direction for RIPTA. Mr. Odingbe received a robust round of applause.

Agenda Item 7: Breach of Confidentiality at the October 26, 2010

Mr. Rupp addressed the issue of the breach in confidentiality that occurred shortly after the conclusion of the October 26, 2010 special board meeting held at an offsite location where Mr. Odingbe and another candidate were interviewed by the Board and certain other individuals who were invited to be a part of the interview process.

Mr. Rupp said it was very disappointing and disconcerting to find that the candidate's identities were revealed and they were being "googled" by staff after the Board took such pains to ensure the confidentiality of the process and the privacy of the candidates. The situation was marginally mitigated due to the Board informing the candidates that their privacy could not be guaranteed, however that does not make the breach of confidentiality any less egregious.

Mike Lewis spoke next about the concerted efforts of the Board to make the interview process as inclusive and collaborative as possible which made the breach of trust all the more shocking and disappointing. He finished by saying the actions that led to the leak

of information and breach of confidentiality might affect the Board's ability to be as inclusive on future confidential issues. Mr. Lewis was clearly disturbed at the breach of trust.

Agenda Item 9: Building & Office Security/Privacy

Mr. Rupp said it has come to the Board's attention that certain individuals have reported instances of their offices being entered by others without their prior knowledge or permission. In some instances, the offices entered contained confidential information related to the search for the new chief executive officer.

Mr. Rupp stated very clearly that employees have a right to a certain level of privacy and that the policies relating to office access and privacy must be reviewed by the new chief executive officer with the general manager. Mr. Rupp said a review of the list of master key and swipe card holders is needed and that Mr. Odimgbe and Mr. Moscola should review and revise this list as needed and also review the policy on office access and privacy to ensure it is clear on this issue. The policy should then be reissued.

Agenda Item 8: RIPTA Board Communications Protocol

Mr. Rupp said the Board's response to recent correspondence has been erratic and not reflective of the opinions of the full Board. He said the agenda item for Board communications protocol would be

tabled due to time constraints, but that this issue would be revisited.

Agenda Item 10: Amendment of Article IV, Section 5 of Bylaws to Authorize Board to Hire a Chief Executive Officer

Mr. Rupp asked for a motion to amend the RIPTA by-laws as presented at Article IV, Section 5 to authorize the Board to hire a Chief Executive Officer.

Mr. Field made the motion to authorize the revision to the by-laws as presented and

Mr. Lewis seconded the motion. The motion to revise Article IV, Section 5 of the By-laws were unanimously approved.

Agenda Item 13: Public Comment

Mr. Rupp moved ahead in the agenda and asked for public comment.

Mr. Rupp recognized Stephen Farrell President of the Amalgamated Transit Union 618 and 618A. Mr. Farrell began by congratulating Charles Odimgbe on his appointment as Chief Executive Officer of RIPTA and congratulating RIPTA counsel Richard Licht on his appointment by Governor Elect Chafee as Director of Administration.

Next Mr. Farrell said he had suggested to Mr. Moscola that one way to combat the rising and changing costs of fuel would be to purchase fuel in bulk for RIPTA and maybe also for RIDOT when prices are lower and store the fuel at an offsite location.

Mr. Farrell then addressed the Board regarding the breach of confidentiality discussed earlier in the meeting and said that the representatives of ATU had fully and completely lived up to the parameters set forth in the confidentiality agreement. Mr. Farrell added that he appreciated the opportunity to be part of the interviewing process.

Next Mr. Rupp recognized Molly Clark from the Lung Association and CTC who invited the Board members to attend a hearing of the House Environment Committee on December 2, 2010 from 2:00 – 4:00 in Hearing Room 35. Ms. Clark said there is a need to educate newly elected officials on the need to identify new and sustainable sources of funding for transit and bridge and road maintenance.

Ms. Clark referenced the earlier discussions relating to customer service and said she supports any improvement to the process because people need to know their concerns have been heard and will be addressed.

Agenda Item 14: Adjournment

A motion to adjourn the meeting was made by Mr. Deller. Mr. Williams seconded the motion and it was unanimously approved and the meeting was adjourned.

Respectfully submitted,

Ellen M. Mandly

Recording Secretary